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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/086,900

03/01/2002

Robert Douglas

049601-5001

1637

47022

7590

09/29/2006

THE LAW OFFICE OF RICHARD W. JAMES
25 CHURCHILL ROAD
CHURCHILL, PA 15235

EXAMINER

TSE, YOUNG TOI

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/086,900

Applicant(s)

DOUGLAS ET AL.

Examiner

YOUNG T. TSE

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

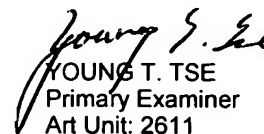
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☒ Newly proposed or amended claim(s) 1-4, 6-14, 21-25 and 28-33 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 1-4, 6-14, 21-25 and 28-33.
Claim(s) objected to: 34.
Claim(s) rejected: 5, 15-20, 26 and 27.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 20060713
13. ☐ Other: _____.


YOUNG T. TSE
Primary Examiner
Art Unit: 2611

Continuation of 11. does NOT place the application in condition for allowance because: Regarding claim 15, the term "an output at which is incident a filtered signal that is consistent with the input signal received a constant number of samples previously" is not understood. The Applicants explain that the output of the self-tuning filter is a filtered signal that corresponds to the unfiltered input signal and that the output signal follows receipt of the corresponding unfiltered input signal by a constant number of samples. However, the input signal is referred to the second input which corresponding to a sensor, wherein the output of the sensor or the second input is an analog signal (see page 8, line 3-15 of the specification), not digital signals or a constant number of samples previously as recited in claim 15. In claim 5, the claimed subject matter of "the input is an input of the data acquisition unit" is already recited in claim 1. In claim 26, "the value incident" lacks antecedent basis, wherein claim 27 depends on claim 26. In claim 34, line 3, "a data acquisition unit" should be "the data acquisition unit". Note: regarding the claimed subject matters of claims 1-11, 17 and 21-34, the self-tuning filter is within or part of the data acquisition unit. However, according to the present invention shown in Fig. 1 and described in the specification, a data acquisition application 100 comprises a sensor (not shown), a self-tuning filter 101, a data acquisition device 112, and an engine encoder 124. Regarding the claimed subject matters recited in claims 1, 17, 31 and 34, clearly, the data acquisition unit is referred to the data acquisition device 112 of Fig. 1. Therefore, the configuration of claims 1-11 and 21-30 does not correspond to the disclosure of Figure 1, for example, as recited in claims 1 and 11, in a data acquisition unit, a self-tuning filter comprising or a recited in claim 21, data acquisition unit comprising, for instance, a self-tuning filter 101 which clearly is not the case as shown in Fig. 1.